

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an B-4 (Roadside Business) District under the terms
of Chapter 33 of the Code of the City of Fort Wayne, Indiana
of 1974:

A parcel of land located in the Northeast one-quarter of
Section 25, Township 31 North, Range 12 East, Allen
County, Indiana and more particularly described as
follows:

Commencing at the Northwest corner of the Northeast one-
quarter of Section 25, Township 31 North, Range 12 East;
thence South along the West line of said Northeast one-
quarter a distance of 460.1 feet to the Point of
Beginning.

BEGINNING at the above described point; thence continuing
South along West line a distance of 2280.6 feet to a
point on the Northerly line of the former Wabash and Erie
Feeder Canal; thence on the Northerly and Westerly line
of said Feeder Canal for the next four courses, by a
deflection left of 91 degrees, 11 minutes a distance of
868.5 feet; thence by a deflection left of 25 degrees, 10
minutes a distance of 311.6 feet; thence by a deflection
left 24 degrees, 50 minutes a distance of 230.0 feet;
thence by a deflection left of 1 degree, 16 minutes, 15
seconds a distance of 208.49 feet; thence by a deflection
right of 84 degrees, 38 minutes, 03 seconds a distance of
705.66 feet; thence a deflection left of 89 degrees, 30
minutes, 08 seconds a distance of 155.0 feet; thence by
a deflection right of 11 degrees, 00 minutes a distance
of 203.0 feet; thence by a deflection right of 10
degrees, 30 minutes a distance of 275.0 feet; thence by
a deflection left of 23 degrees, 30 minutes, 30 seconds,
a distance of 80.0 feet; thence by a deflection left of
45 degrees, 52 minutes a distance of 65.0 feet; thence by
a deflection left of 35 degrees, 00 minutes a distance of
100.0 feet; thence by a deflection right of 60 degrees,
39 minutes, 11 seconds a distance of 79.3 feet to a point
on the South right-of-way line of U.S. Highway 30; thence
by a deflection left 66 degrees, 50 minutes, 14 seconds
along said South right-of-way line a distance of 531.65
feet to a point on the Easterly line of said Feeder
Canal; thence by a deflection right of 0 degree 08
minutes along said South right-of-way line a distance of
1898.6 feet to the Point of Beginning. Parcel contains
70.31 acres of land more or less.

and the symbols of the City of Fort Wayne Zoning Map No. O-26,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the

#528

Mayor.

C. Redmond
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

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Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock
_____, M., E.S.T.

DATED: 12-8-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,
and duly adopted, placed on its passage. PASSED 12-8-92
by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|------------------|---------------|
| TOTAL VOTES | <u>9</u> | | | |
| BRADBURY | <u>✓</u> | | | |
| EDMONDS | <u>✓</u> | | | |
| GiaQUINTA | <u>✓</u> | | | |
| HENRY | <u>✓</u> | | | |
| LONG | <u>✓</u> | | | |
| LUNSEY | <u>✓</u> | | | |
| RAVINE | <u>✓</u> | | | |
| SCHMIDT | <u>✓</u> | | | |
| TALARICO | <u>✓</u> | | | |

DATED: 1-12-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-02-93
on the 12th day of January, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of January, 1993,
at the hour of 11:30 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January,
1993, at the hour of 4:00 o'clock PM, M., E.S.T.

11666
PAUL HELMKE, MAYOR

RECEIPT

No 10947

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

11-20 19 92

RECEIVED FROM

Able Lingham Moore

\$ 500.00

THE SUM OF

five hundred & 00/100

100

DOLLARS

ON ACCOUNT OF

4000 Parcel
1616 E. Calumet

4198

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

Regone

R1 to B4

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Board of Commissioners, County of Allen
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an B4 District the property described as follows:

See attached

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1616 East Coliseum Boulevard, Fort Wayne, IN 46805

4000 Parnell Avenue, Fort Wayne, IN 46805

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Edwin J. Rousseau

2nd Floor, City County Bldg.

One Main Street, Fort Wayne, IN

46802

Jack C. McComb

2nd Floor, City County Bldg.

One Main Street, Fort Wayne, IN

46802

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Able Ringham Moake Park, Inc.

202 W. Berry Street, Fort Wayne, IN 420-1061

(Name)

(Address & Zip Code) 46802

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

Edwin J. Rousseau

Jack C. McComb

(Name)

Edwin J. Rousseau
Jack C. McComb

(Address)

x 2nd Floor City County Bldg
One Main Street, Fort Wayne
+ 2nd Floor City County Bldg
One Main Street, Fort Wayne

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

COLISEUM RE-ZONING DESCRIPTION

A parcel of land located in the Northeast one-quarter of Section 25, Township 31 North, Range 12 East, Allen County, Indiana and more particularly, described as follows:

Commencing at the Northwest corner of the Northeast one-quarter of Section 25, Township 31 North, Range 12 East; thence South along the West line of said Northeast one-quarter a distance of 460.1 feet to the Point of Beginning.

BEGINNING at the above described point; thence continuing South along West line a distance of 2280.6 feet to a point on the Northerly line of the former Wabash and Erie Feeder Canal; thence on the Northerly and Westerly line of said Feeder Canal for the next four courses, by a deflection left of 91 degrees, 11 minutes a distance of 868.5 feet; thence by a deflection left of 25 degrees, 10 minutes a distance 311.6 feet; thence by a deflection left 24 degrees, 50 minutes a distance of 230.0 feet; thence by a deflection left of 1 degree, 16 minutes, 15 seconds a distance of 208.49 feet; thence by a deflection right of 84 degrees, 38 minutes, 03 seconds a distance of 705.66 feet; thence a deflection left of 89 degrees, 30 minutes, 08 seconds a distance of 155.0 feet; thence by a deflection right of 11 degrees, 00 minutes a distance of 203.0 feet; thence by a deflection right 10 degrees, 30 minutes a distance of 275.0 feet; thence by a deflection left of 23 degrees, 30 minutes, 30 seconds, a distance of 80.0 feet; thence by a deflection left of 45 degrees, 52 minutes a distance of 65.0 feet; thence by a deflection left of 35 degrees, 00 minutes a distance of 100.0 feet; thence by a deflection right of 60 degrees, 39 minutes, 11 seconds a distance of 79.3 feet to a point on the South Right -of- Way line of U. S. Highway 30; thence by a deflection left 66 degrees, 50 minutes, 14 seconds along said South Right -of- Way line a distance of 531.65 feet to a point on the Easterly line of said Feeder Canal; thence by a deflection right of 0 degree 08 minutes along said South Right -of- Way line distance of 1898.6 feet to the Point of Beginning. Parcel contains 70.31 acres of land more or less.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on 12-8-92 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

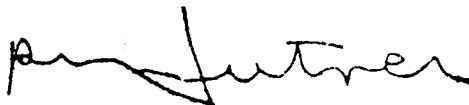
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this
29th day of December 1992.

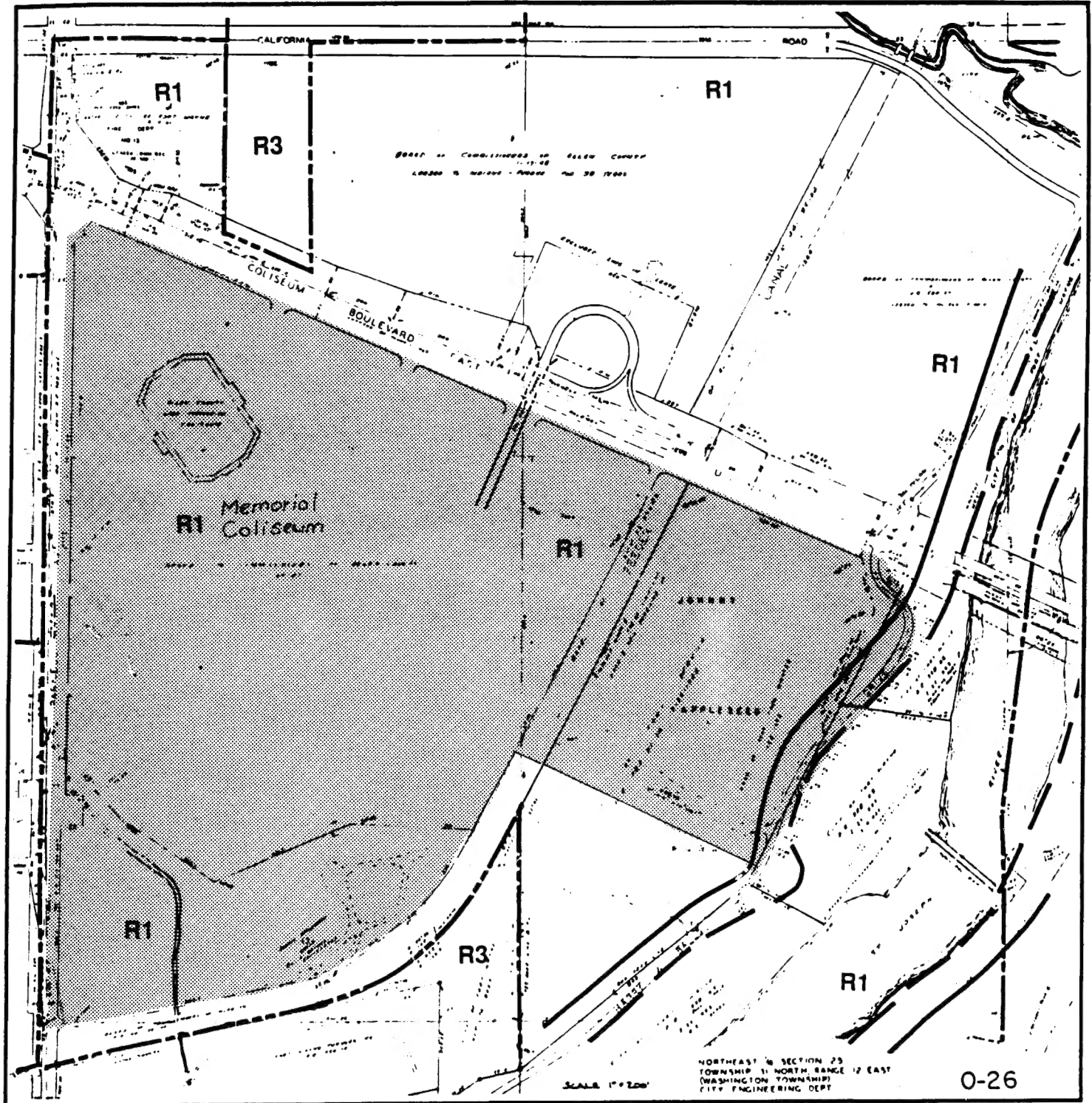


Robert Hutner
Secretary

REZONING PETITION

AREA MAP

CASE NO. #528



COUNCILMANIC DISTRICT NO. 3

Map No. O-26
LW 11-25-92

| | | | | | |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PUD | Planned Unit Dev. | POD | Professional Office District | | |

FACT SHEET

Z-92-12-08

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From R-1 to B-4

DETAILS

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Specific Location and/or Address 1616 E Coliseum & 4000 Parnell |
| Reason for Project To provide proper zoning for this parcel. |
| Discussion (Including relationship to other Council actions) <u>December 21, 1992 - Public Hearing</u> Randy Brown, General Manager of the Coliseum appeared before the Commission. Mr. Brown stated that they were there at the request of the Plan Commission staff. He stated that the property is currently zoned R-1 - Single Family Residential. He stated that the staff had come to him and asked that they request the rezoning to a B-4 classification, which given their location and the activity around it, is better suited to the activities taking place at the Coliseum. Don Schmidt questioned why after all these years are they changing the zoning. Mr. Brown stated that they are being quality minded and civic governmental employees, who at the request of another governmental entity came forward and asked for this rezoning. Steve Ranshaw, Senior Planner with Land Use Management, stated that they are requesting the property be rezoned to a classification that is more appropriate for the uses going on there, and more appropriate for the |

POSITIONS**RECOMMENDATIONS**

| | |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sponsor | City Plan Commission |
| Area Affected | City Wide Other Areas |
| Applicants/ Proponents | Applicant(s) Board of Commissioners County of Allen City Department Other |
| Opponents | Groups or Individuals Basis of Opposition |
| Staff Recommendation | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against |
| Board or Commission Recommendation | By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) |
| CITY COUNCIL ACTIONS (For Council use only) | <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass |

DETAILS

location. He stated that the B-4 classification would permit the uses that are on the site at the present time and may be able to anticipate any future expansions more easily than the R-1 classification. He stated that he was not here when the Coliseum was originally developed. He stated that he did not understand why this is zoned R-1, or has continued to be zoned R-1. He stated that they are requesting this rezoning to make sure that the uses that are there are in a classification that is appropriate. He stated that this would provide for more appropriate development for the Coliseum in the future.

Don Schmidt stated that he did not understand why they had waited all these years to reclassify this property. He questioned if there was some future development that the staff has in mind that would constitute the need for the reclassification.

Mr. Ranshaw stated that at this point in time the Coliseum must go before the Board of Zoning Appeals for any future expansion.

Steve Smith questioned that when the Coliseum parking lot hosts things like the auto dealers tent show and the carnival, are they violating the law by holding those in an R-1 District.

Mr. Ranshaw stated that if you went to the strictest interpretation of the ordinance he would say yes. Those are not functions that are allowed in an R-1 district.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

POLICY/ PROGRAM IMPACT

| | |
|-------------------------------|----------------------------------------------------------|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
| | |
| Operational Impact Assessment | |
| | |
| | |

(This space for further discussion)

December 28, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one did not vote. Motion carried.

Project Start

Date November 20, 1992

Projected Completion or Occupancy

Date December 29, 1992

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Reference or Case Number

Date December 29, 1992

Date DECEMBER 29, 1992

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1616 E Coliseum Bl & 4000 Parnell Av

Z-92-12-08

EFFECT OF PASSAGE Property is currently zoned R-1 - Single
Family Residential. Property will become B-4 - Roadside Business.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single
Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)_____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-92-12-08

REPORT OF THE COMMITTEE ON REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of
Fort Wayne Zoning Map No. 0-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy
City Clerk